

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION

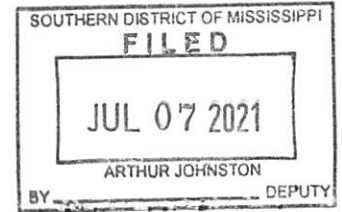
AC2T, INC. D/B/A SPARTAN  
MOSQUITO

Plaintiff,

v.

LIGHTS ON DISTRIBUTORS, LLC.  
CCD WEBSTORE, LLC D/B/A THINK  
WEBSTORE, CARTER CUSTOM  
DESIGN, LLC, BRYAN CARTER, AND  
JOHN DOES 1-50

Defendants.



Removed from the Circuit Court of  
Lamar County, Mississippi

2:21-cv-93-TBM-RPM

**NOTICE OF REMOVAL**

Defendants, Lights on Distributors, LLC, CCD Webstore, LLC d/b/a Think Webstore, Carter Custom Design, LLC, and Bryan Carter (the “Noticing Defendants”), by their attorneys and pursuant to 28 U.S.C. § 1441 hereby remove this action from the Circuit Court of Lamar County, Mississippi to the United States District Court for the Southern District of Mississippi, Eastern Division. Removal is based on this Court’s original jurisdiction.

**BACKGROUND**

1. On or about June 7, 2021, AC2T, Inc. d/b/a Spartan Mosquito (“AC2T”) filed a complaint against Defendants in the Circuit Court of Lamar County, Mississippi captioned *AC2T, Inc. d/b/a Spartan Mosquito v. Lights On Distributors, LLC, et. al.*, Civil Action No. 37:21-cv-070, alleging among other causes of action violations of the Lanham Act and federal pesticide law.

2. Pursuant to 28 U.S.C. § 1446(a), a copy of the Complaint and Summons served are attached as Exhibit A and incorporated herein.

3. Under the heading of Cause of Action E (iii) – Misappropriation of and Misuse of Spartan’s IP, Trademark Infringement [sic]-Federal and State, and Unfair Competition—Federal Trademark Infringement [sic]-15 U.S.C. § 1114, AC2T asserts infringement of U.S. Trademark Registration Nos. 5,185,280; 5,185,284 ; 5,271,098; 5,958,603; and 5,817,011 and U.S. Trademark Application Serial Nos. 88/717,974; 88/717,969; 88/718,236; and 90/266,970, purportedly “in violation of the Lanham Act, including but not limited to, 15 U.S.C. § 1114.” (Compl. ¶ 76.)

4. Under the heading of Cause of Action E (v) – Misappropriation of and Misuse of Spartan’s IP, Trademark Infringement [sic]-Federal and State, and Unfair Competition—Federal Unfair Competition and False Designation of Origin and False and Misleading Representations-15 U.S.C. § 1125(A), AC2T asserts unfair competition based on use of U.S. Trademark Registration Nos. 5,185,280; 5,185,284 ; 5,271,098; 5,958,603; and 5,817,011 and U.S. Trademark Application Serial Nos. 88/717,974; 88/717,969; 88/718,236; and 90/266,970, purportedly “in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).” (Compl. ¶¶ 100, 101.)

5. Further, under the heading of Cause of Action J – Violation of Federal Pesticide Law and Mississippi Pesticide Law, AC2T alleges purported violations of 40 C.F.R. § 152.25(f)(3)(iv); 40 C.F.R. § 152.25(f)(3)(iii)(A); and seemingly 7 U.S.C. §§ 136, *et seq.* and 40 C.F.R. § 156.10(a)(5)(iv). (Compl. ¶¶ 114, 116.)

6. In filing this Notice of Removal, Noticing Defendants do not waive, and specifically reserve, any and all objections as to service, personal jurisdiction, defenses, exceptions, rights, and motions.

#### **BASIS FOR REMOVAL**

7. The removal of this action to this Court is timely under 28 U.S.C. § 1446(b), because this Notice of Removal is filed within thirty (30) days after June 8, 2021, which is the date the underlying Complaint was served on each of the Noticing Defendants.

8. The United States District Court for the Southern District of Mississippi is the proper place to file this Notice of Removal under 28 U.S.C. § 1441(a), because it is the court where the original action was filed and the court with jurisdiction over Lamar County, Mississippi.

9. Removal is proper under § 1441(a), because the district courts of the United States have original jurisdiction over claims arising under the Lanham Act. 15 U.S.C. § 1121(a) provides, “[t]he district and territorial courts of the United States shall have original jurisdiction . . . of all actions arising under this chapter, without regard to the amount in controversy or to diversity of lack of diversity of the citizenship of the parties.”

10. Removal is further proper under § 1441(a) because AC2T’s claims under federal pesticide laws arise under federal law. 28 U.S.C. § 1331.

#### **NOTICE TO STATE COURT**


11. Concurrently with this Notice of Removal, Noticing Defendants will file a copy of this Notice with the Circuit Court of Lamar County, Mississippi.

WHEREFORE, Defendants Lights On Distributors, LLC, CCD Webstore, LLC d/b/a Think Webstore, Carter Custom Design, LLC, and Bryan Carter file this Notice of Removal and

remove the civil action referenced above to the United States District Court for the Southern District of Mississippi.

Dated: July 7, 2021.

LIGHTS ON DISTRIBUTORS, LLC,  
CCD WEBSTORE, LLC D/B/A THINK  
WEBSTORE, CARTER CUSTOM  
DESIGN, LLC, BRYAN CARTER

By: s/ J. Chase Bryan   
J. Chase Bryan (MSB 9333)

OF COUNSEL:

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CERTIFICATE OF SERVICE

I, J. Chase Bryan, counsel for defendants hereby certify that, on this day, the above and foregoing was filed via hand delivery with the United States District Court, Southern District, Mississippi, Eastern Division, and by electronic mail and U.S Mail to the following counsel of record:

Seth M. Hunter  
Duke Dukes & Hunter  
Post Office Box 2055  
Hattiesburg, MS 39403  
[shunter@jdukeslaw.com](mailto:shunter@jdukeslaw.com)

DATED: July 7, 2021.

s/ J. Chase Bryan   
J. Chase Bryan